

STATEMENT OF PURPOSE**RS21097C1**

Property owners typically must make application for an access permit to obtain access to the highway or roadway adjacent to their property unless the same is pre-existing. In some cases property owners have deeded, recorded access easements which give them legal access rights in certain locations and/or for certain uses. This bill would require the governmental agency with jurisdiction over the roadway to consider and recognize those legal access rights reflected in easements when acting on an access application. In the past, deeded accesses, often given by the governmental agency to a property owner in lieu of damages or payment of just compensation when a roadway is widened, were recognized. More recently the deeded accesses are being ignored and property owners are having to expend substantial costs and fees to try and have their legal rights of access recognized. This results in some property owners with means having their deeds recognized while others, without means, have theirs ignored. This bill would simply require that governments consider the deeds and that if they refuse to recognize them, there is a taking of a legal right of access which may require just compensation.

FISCAL NOTE

The fiscal impact would be zero unless the government decided to condemn the access rights previously granted by deed, in which case they would pay market value for them. The Department of Transportation claims it already compensates owners when access is taken, so there would be no change with a fiscal impact. This bill merely requires the Department to recognize deeded accesses already in existence; the Department has the right under existing law to condemn them for just compensation and this does not alter that.

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